

## REMARKS/ARGUMENT

Claims 1-17 are pending in this application. Claims 1-17 stand rejected. Claims 3, 16 and 17 have been amended. Only the amendment to claim 3 is in direct response to the Office Action. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

### *Claim Objection*

Claim 3, was objected because of an informal error. The claim has been amended accordingly.

### *Rejection under 35 USC § 102*

Claims 1, 3-13 15-17 stand rejected under 35 USC § 102(e) as being anticipated by **Landsman et al.** (U.S. Patent No. 6,516,338).

### **Summary of the Landsman Patent**

Following is a summary of the Landsman Patent:

Landsman teaches a system with techniques for dynamically displaying advertising content in a network based client/server environment. With Landsman's system, advertisements are downloaded from an advertising server to a browser, and are displayed on an interstitial basis, in response to click stream generated by the user. Each web page utilizing the advertising system includes an advertising tag embedded within the HTML code of the web page.

The advertising tag contains two components. The first component is a reference to a JavaScript file residing on an agent server, which when downloaded and executed by a browser, dynamically inserts into the HTML code of the web page a

combination of applet tags in lieu of the advertising tag. When the browser executes the applet tags it causes the downloading from the agent server of an applet named the Transition Sensor applet. The second component of the ad tag is the URL of a particular Advertising Management System.

When a user requests a web page that includes an embedded advertising tag, the browser executes the JavaScript file referenced in the ad tag, which invokes the dynamic writing of the applet tags. The applet tags are then parsed by the browser, and further invoke the loading of the Transition Sensor applet. When the Transition Sensor applet is launched it causes a second applet named the AdController applet to be downloaded and launched by the client computer.

The Transition Sensor applet passes the URL of the Advertising Management System as referenced in the advertising tag to the Ad Controller applet. The AdController applet in turn sends a request to the system for an advertisement. The system selects an advertisement and causes the AdController applet to begin downloading the advertisement. The Transition Sensor applet monitors the click stream of the user and detects a transition to a next web page upon which it signals to the AdController applet to play an advertisement previously cached by the AdController applet.

### **The Examiner's Rejection**

The Examiner's 102 rejection was premised on the following quote from the Landsman Patent:

*These tags, which collectively form Transition Sensor applet 210, include a reference to a specific ad management system as specified in the second portion of advertising tag 40. (Col. 20 lines 11-14).*

In view of this passage the Examiner asserted: "[T]hese inherently teach that the second component 44 of advertising tag 40 is a parameter which must be passed to

*the JavaScript file in order to instruct the dynamically writing of the "Transition Sensor Applet" 210 that includes the second component 44 of the advertising tag 40 in the Transition Sensor applet. (Office Action at 5).*

### **Applicant's Traverse**

Applicant agrees with the Examiner that the second component is a parameter, which is used by the JavaScript file. This parameter is the identity of a specific URL of an ad management system, which is assigned to a variable named 'AdServer'. However, the JavaScript file itself does not link to, nor does it identify the specific URL of an ad management system. Rather the JavaScript file only includes in its script a reference to the AdServer variable. Prior to parsing the JavaScript file, the browser would first 'initialize' the 'AdServer' variable along with other variables in the JavaScript file. 'Initializing', means that the browser determines the value of AdServer as specified in the advertising tag, and loads the determined value into the memory of the client PC. Thereafter, when the browser parses the JavaScript file and encounters the variable 'AdServer', the browser makes reference to the value it had loaded into the memory of the PC. Thus, the JavaScript file only includes a reference to the variable named AdServer and not an explicit reference to an ad server. As noted, there's an inherent difference between the two.

Accompanied with this response is a Declaration by Charles R. Martin, which supports the above contentions of Applicant. As an initial matter Martin contends that there are several ambiguities in the Landsman Patent. Martin asserts that Landsman erroneously refers to the 'applet tags' as the 'Transition Sensor applet'. As Martin explains in length there's an inherent difference between the 'applet tags' and the Transition Sensor applet. (See Martin Declaration Paragraphs 12-15).

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Additionally, Martin contends that the above-quoted passage as cited by the Examiner is also ambiguous. Martin claims that Table 2, which exemplifies the 'applet tags', lacks any disclosure or identification of an ad management system. As such, according to Martin, Table 2 seemingly contradicts the above-quoted passage. (See Martin Declaration paragraphs 16-21).

Martin also argues at length that the JavaScript file does not include a reference to an Ad Management System. (See Martin Declaration Paragraphs 22-24). This supports Applicant's position as argued above.

In view of the foregoing, Applicant respectfully refutes the Examiner's rejection. Each of the pending independent claims either requires a 'reference' or a 'link' to a server. In contrast, the JavaScript file in Landsman does not 'link' to an advertisement server, nor does it include a 'reference' to an ad server. As noted above, the JavaScript in landsman only includes a variable named 'AdServer'.

### ***Rejection under 35 USC § 103***

Claims 2 and 14 stand rejected under 35 USC § 103 as being unpatentable over **Landsman et al.** (US Patent No. 6,516,338), in further view **HTML 4.0, XP-002191626**.

Claim 2 is dependent on Claim 1 and Claim 14 is dependent on Claim 11. In view of the previous traverse of the rejection of claims 1 and 11, Applicant asserts that claim 2 and 14 are also in condition of allowance.

### *Conclusion*

In view of the foregoing arguments, Applicants respectfully urges the Examiner to reconsider the rejections and advance the application for immediate allowance and issue. If the foregoing arguments are unpersuasive in overcoming the rejections, Applicant respectfully requests the Examiner to contact the undersigned for an interview to expedite the resolution of any outstanding issues.

Dated: December 21, 2004

Respectfully submitted,

Signature: /Benzion A. Wachsman/

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